IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 200/2002

MEGH SINGH Vs. STATE OF RAJASTHAN & ANR.

DATE: 28.05.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Kamlendra Sihag for
Mr. Biri Singh for the complainant-petitioner.
Mr. B.K. Sharma, Public Prosecutor for the State.
Mr. Sukh Ram Jatav for the respondent No.2.

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This criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the complainant-petitioner against the judgment dated 02.02.2002 passed by the Additional Sessions Judge No.2, Sikar in Criminal Revision No. 2/2002 (93/2001), whereby the Revisional Court while allowing the criminal revision filed by the respondent No.2 Ishhak Ali, quashed and set-aside the order dated 08.02.2001 passed by the Judicial Magistrate, First Class, Laxmangarh, District Sikar in Complaint No. 31/2000 by which the trial Court has taken cognizance against the respondent No.2 for the offence under Sections 147, 323, and 342/149 IPC.

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Having heard learned counsel for the complainant-petitioner, learned Public Prosecutor for the State as well as learned counsel for the respondent No.2 and upon careful perusal of the impugned judgment dated 02.02.2002 passed by the Revisional Court as also the order dated 08.02.2001 passed by the trial Court, it appears that the Revisional Court has not properly considered each and every aspect which have been thoroughly considered by the trial Court and the trial Court has rightly arrived at a conclusion that prima-facie case for the offences under Sections 147, 323, and 342/149 IPC is made out against the respondent No.2 Ishhaq Ali and, therefore, cognizance for the aforesaid offences has been taken by the trial Court vide its order dated 08.02.2001. This is not the stage to examine each and every aspect and to appreciate the evidence and as per the settled proposition of law as laid down by the Hon'ble Supreme Court and this Court, for the purposes of taking cognizance it is only to be seen whether prima-facie case is made out against the accused or not? Thus, the Revisional Court has committed a wrong while passing the impugned judgment dated 02.02.2002 which deserves to be quashed and set-aside.

Therefore, in the interest of justice, the impugned judgment dated 02.02.2002 passed by the Additional Sessions Judge No.2, Sikar is herewith quashed and set-aside and the matter is remanded back to the Revisional Court for fresh adjudication whether for taking cognizance prima-facie case is made out against the respondent No.2 for the offences under Sections 147, 323, and 342/149 IPC or not, and shall pass fresh order as per law after giving opportunity of being heard to the parties.

With the aforesaid observations, the revision petition stands disposed of.

(K.S. RATHORE),J

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